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MEMBERS OF THE CITY COUNCIL

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JOHN CAMPBELL
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JOHN TAYLOR

DATE: September 29, 2023

TO: Public Agencies, Property Owners, Residents, and Interested Parties

FROM: City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
Contact: Paul Garcia, Principal Planner

SUBJECT: **Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the El Camino Specific Plan Amendment**

NOTICE IS HEREBY GIVEN that the City of San Juan Capistrano ("City"), in its capacity as lead agency for the El Camino Specific Plan Amendment Project ("Project" or "Specific Plan Amendment"), has determined that a Draft Environmental Impact Report ("DEIR") should be prepared for the Project. The City will prepare a DEIR to analyze the impacts of the Project in accordance with the California Environmental Quality Act (Pub. Resources Code, Section 21166 et seq.; "CEQA").

PROJECT LOCATION: The Project site encompasses approximately 5.61 acres of land in the downtown area of the City of San Juan Capistrano. The Forster & El Camino Mixed Use Project portion of the Project site is located at 31878 Camino Capistrano on a 3.15-acre property (Assessor's Parcel Numbers: 124-160-37, -51, and -52). The central portion of the Project site includes the Blas Aguilar Adobe and Historic Town Center (HTC) Park (Assessor's Parcel Numbers: 124-160-08, -09, -10, -11, -12, and -27). The Project site is located south of Old Mission Road, east of El Camino Real, and both west and north of Del Obispo Street. Local access to the Project site would be provided by Forster Street and Camino Capistrano. Regional access to the site would be provided by Interstate 5 (I-5), which is located approximately 568 feet northwest of the Project site. See Figure 1, *Regional Map*, and Figure 2, *Vicinity Map*.

PROJECT DESCRIPTION: The Project will require the following discretionary approvals from the City: a General Plan Amendment, a Code Amendment, and a Rezone to allow for adoptions of the El Camino Specific Plan (Specific Plan). Additional discretionary approvals are required to approve two projects covered by the Specific Plan, described in further detail below.

Overview

The Project Applicant (Camino Capistrano OZ, LLC) is seeking to expand the previously approved El Camino Specific Plan. Approved in October 2022, the El Camino Specific Plan consisted of a development of 27,457 square feet (sf) of commercial uses and a four-level parking structure with 2,607 sf retail space on a 1.68-acre site. The proposed Specific Plan Amendment would expand the Specific Plan Area to a total of 7.3 acres for the development of mixed-use community and performing arts center. As shown in Figure 3, *Specific Plan Boundary Map*, the Project consists of two proposed developments: 1) the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.15-acre vacant site; and 2) a performing arts center on a 1.5-acre site located at eastern portion of the City-owned Historic Town Center Park. No development will occur on the 1.0-

acre Blas Aguilar Adobe Museum property. The Project would also include various street and utility improvements to complement the area and provide for future uses.

Forster & El Camino Mixed Use Project

This Project will be a mixed-use community, incorporating both commercial and residential uses, and will require the following discretionary approvals: Architectural Control (AC) 23-001, Grading Plan Modification (GPM) 23-013, Sign Program (SP) 23-006, Tentative Tract Map (TTM) 23-001, and Tree Removal Permit (TRP) 23-012. The development will be situated on nearly 3.15 acres of land at the intersection of Forster Street and El Camino Real.

As shown in Figure 4, *Forster & El Camino Site Plan*, the commercial element of the Project will include a free-standing 4,294 square foot restaurant and a 3,100 square foot fitness center attached to the residential building. The two commercial buildings will be located on opposite corners of the Project entrance. The buildings will each feature a prominent entry with tile accents and enhanced paving, which will help differentiate the commercial and residential elements of the Project. The restaurant building will have a spacious courtyard for outdoor seating, while the fitness center will feature high ceilings and state of the art design to accommodate a variety of training and fitness applications. Ample bicycle parking will also be provided.

The residential element of the Project will contain ninety-five (95) apartments with a gross area of 107,499 square feet surrounding a resort-style pool and recreational facility. A 3,271 square foot clubhouse building will be located at the entrance to the residences and will serve as a central focal point for the community. The clubhouse building will contain meeting and recreation space for the private use of the community's residents. A California room will open on to the pool deck and provide indoor/outdoor recreation space for those using the facilities. A total of 21,920 sf of common open space would be provided at the Project site.

The central residential buildings will be designed in the Spanish Revival Vernacular. The design includes architectural details, fenestrations, and offsets to accentuate the building's design. Similarly, a team of three independent design consultants have collaborated on the project's color palette, with the intent of complementing the City's mission and ranch heritage.

Performing Arts Center

The Camino Real Playhouse has provided the community with a venue to support local theater and events. As shown in Figure 5, *Performing Arts Center Floor Plan*, the Performing Arts Center will consist of approximately 45,000 sf and include a total of 452 seats: 352 seats in the main theater and 100 seats in the studio theater.

The architectural style of the Performing Arts Center would be representative of contemporary California Mission. The building design features include a Spanish tile roof, board formed concrete with terracotta screen, exterior wood slat siding, and complimentary wood mullions as part of a glass partition wall. The front and lobby of the building would open out onto HTC park to allow for outdoor performances, community events, and other experiences.

This Project will require the following discretionary approvals: Architectural Control (AC) 23-004, Grading Plan Modification (GPM) 23-012, Historical & Cultural Landmark Site Plan Review (SPR) 23-002, and Tree Removal Permit (TRP) 23-015.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: Pursuant to CEQA Guidelines Section 15063, the City has determined that an EIR will clearly be required for this Project, and that preparation of an Initial Study will not be prepared. The DEIR will evaluate the probable environmental effects of the Project, including the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems

The following topics are anticipated to be less than significant or no impact and do not warrant an in-depth analysis in the EIR: Agricultural & Forestry Resources, Mineral Resources, and Wildfire.¹

PUBLIC SCOPING MEETING: The City will hold a scoping meeting from 5:30 p.m. to 7:30 p.m. on **Thursday, October 12, 2023** at the San Juan Capistrano City Council Chambers at the Nydegger Building, located at 31421 La Matanza Street, San Juan Capistrano. The purpose of the scoping meeting is to present the proposed Project, describe the DEIR process and receive public comments. The City invites interested parties to participate in the scoping meeting to learn more about the Project, ask questions, and submit comments.

DOCUMENT AVAILABILITY: This Notice of Preparation (“NOP”) is also available for review at the following locations:

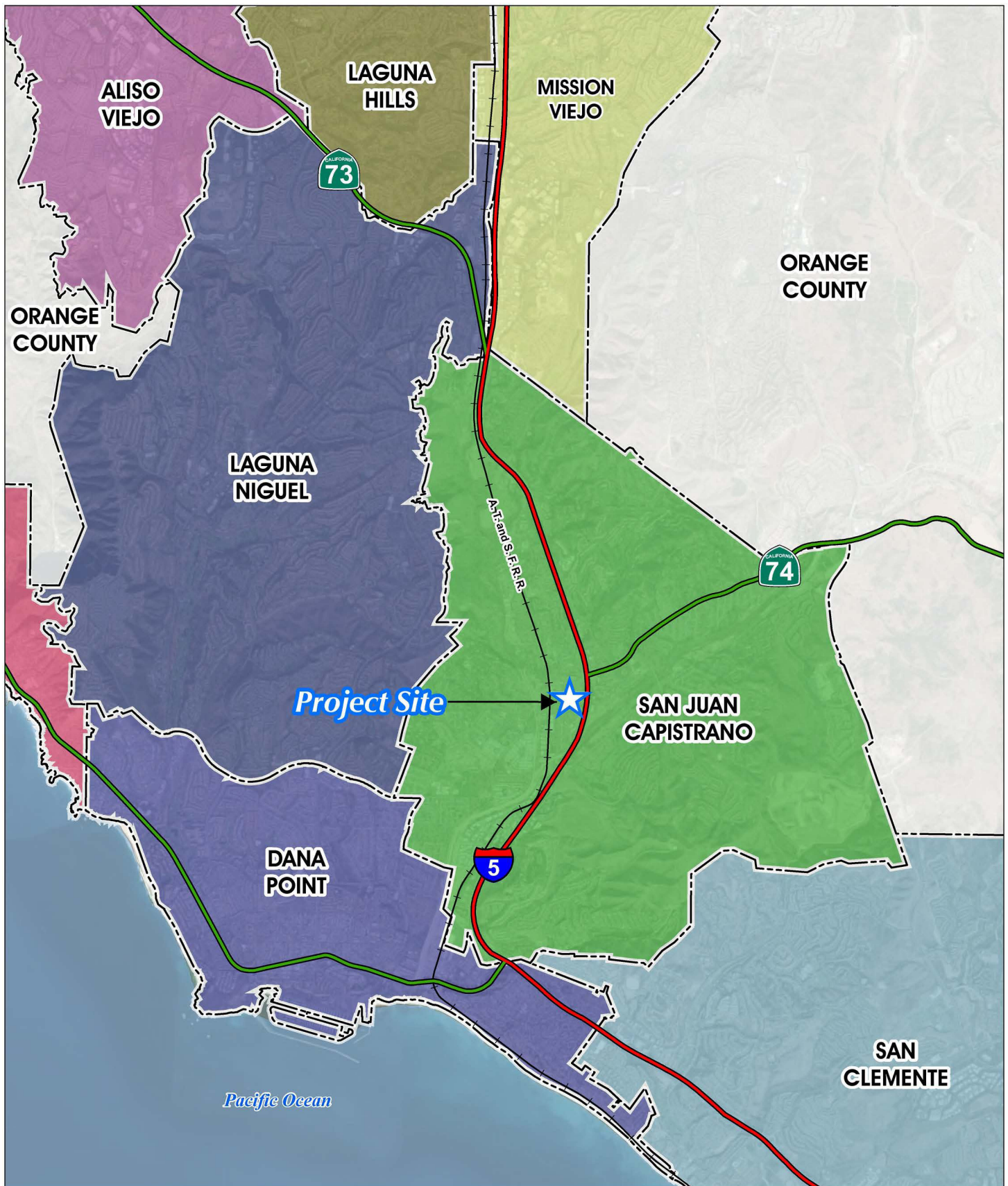
- City of San Juan Capistrano, Development Services Department, 30448 Rancho Viejo Road, San Juan Capistrano, CA 92675
- San Juan Capistrano Library, 31495 El Camino Real, San Juan Capistrano, CA 92675

The NOP can also be viewed on the City’s website at the following address:
<http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents>

WRITTEN COMMENTS: All interested parties, including the public, responsible agencies, and trustee agencies, are invited to provide comments and input on the scope and content of the environmental analysis to be addressed in the DEIR. Responsible and trustee agencies should provide comments and input related to the agencies’ respective areas of statutory responsibility. Comments received during the scoping period will be considered during preparation of the DEIR. The NOP comment period begins on Tuesday, October 3, 2023, and ends on Thursday, November 2, 2023. Written comments must be submitted to the City of San Juan Capistrano by **Thursday, November 2, 2023 at 5:30 p.m.**, to be timely for consideration in the preparation of the EIR. Please direct your comments by e-mail or U.S. mail to:

Paul Garcia, Principal Planner
 City of San Juan Capistrano
 30448 Rancho Viejo Road
 San Juan Capistrano, CA 92675
 (949) 443-6327
 E-Mail: pgarcia@SanJuanCapistrano.org

¹ The Project site is not designated for significant farmland or forest land, does not contain a known mineral resource with regional or local value, and is not on lands classified as a very high fire hazard severity zone.

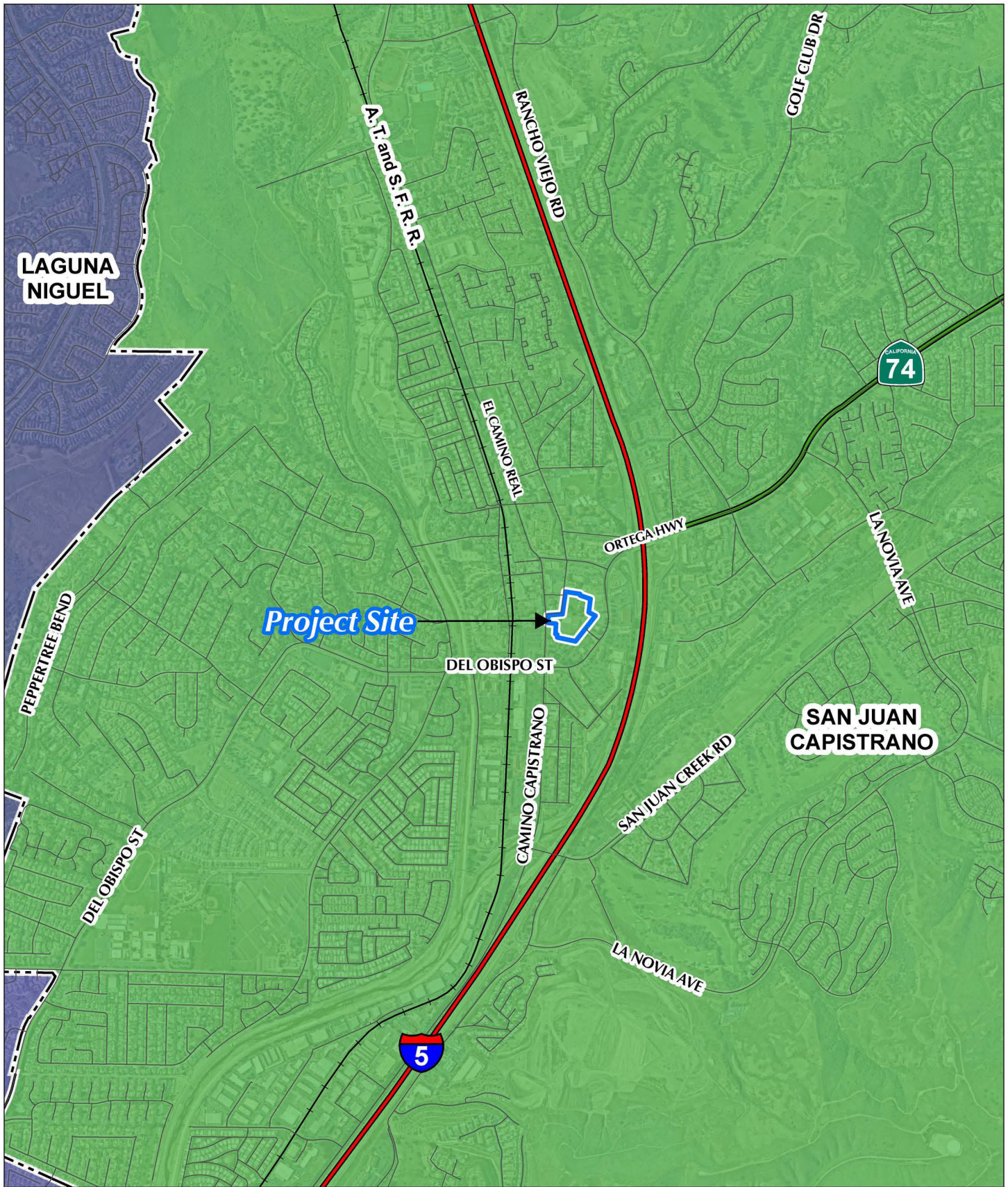


Source(s): ESRI, Orange County (2023)

Figure 1



Regional Map



Source(s): ESRI, NearMap Imagery (August 2023), Orange County (2023)

Figure 2



Vicinity Map

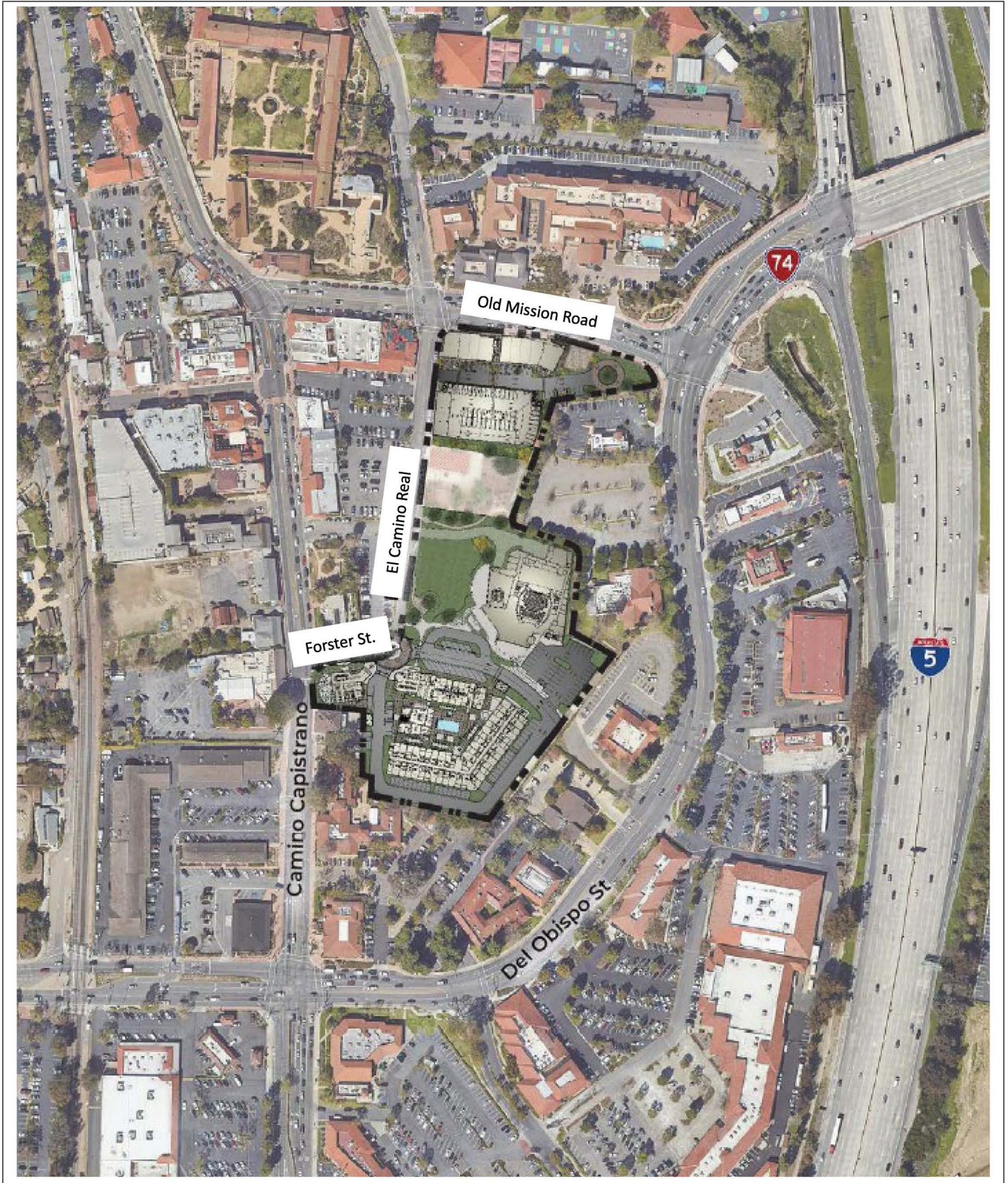


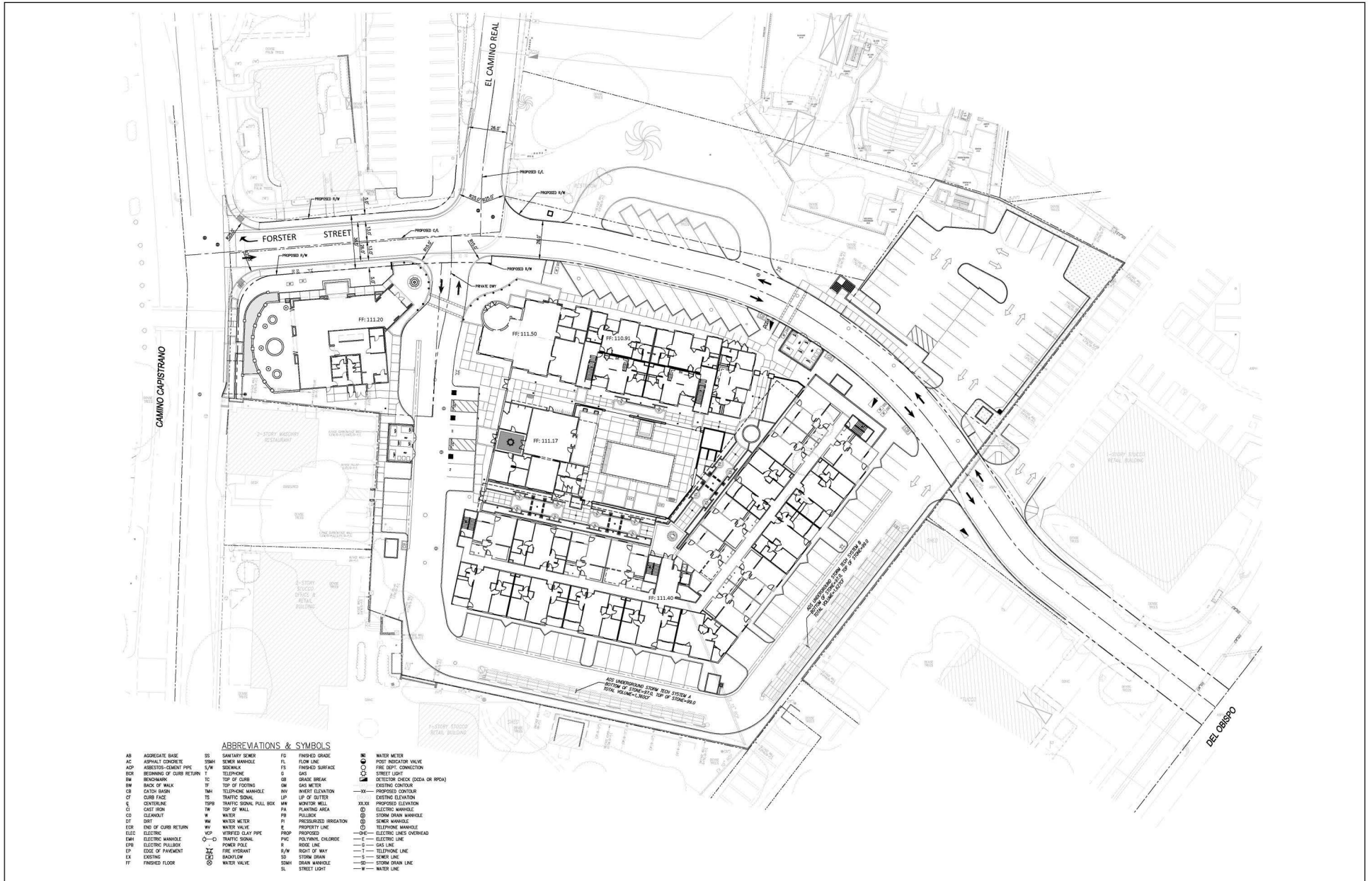
Figure 3



Not to Scale



Specific Plan Boundary Map



Source(s): C3 Civil Engineering (09-19-2023)

Figure 4

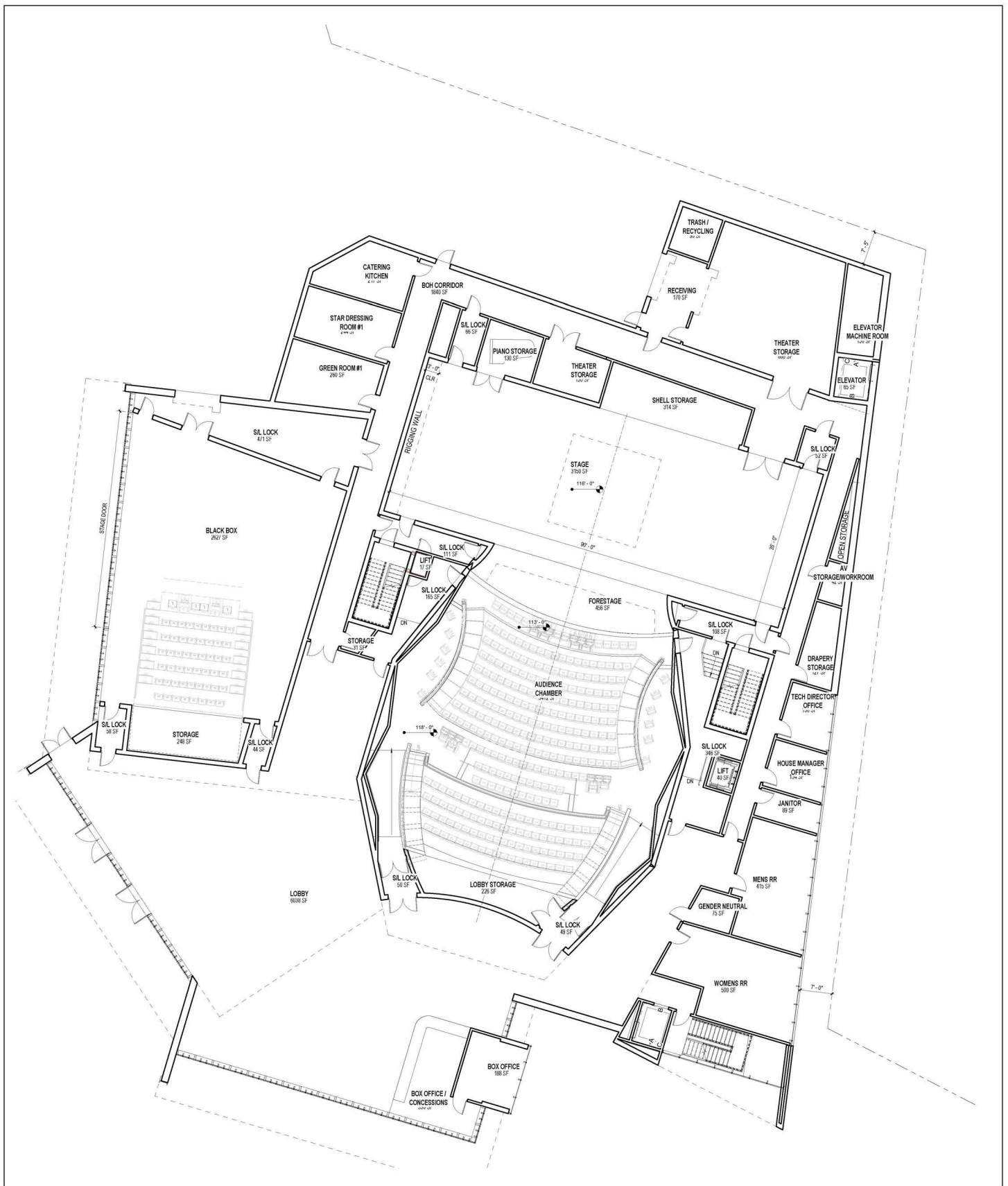


Not to Scale



El Camino Specific Plan Amendment

Forster & El Camino Site Plan



Source(s): Pfeiffer (05-24-2023)

Figure 5



Not to Scale



Performing Arts Center Site Plan

NATIVE AMERICAN HERITAGE COMMISSION

October 4, 2023

Paul Garcia
City of San Juan Capistrano
30448 Rancho Viejo Road
San Juan Capistrano, CA 92675

Re: 2023100025, El Camino Specific Plan Amendment Project, Orange County

Dear Mr. Garcia:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52



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VICE-CHAIRPERSON
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1550 Harbor Boulevard
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(916) 373-3710
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NAHC.ca.gov



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahr.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andrew Green". The signature is written in a cursive, flowing style.

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

California Department of Transportation

DISTRICT 12
1750 EAST 4TH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
FAX (657) 328-6522
TTY 711

www.dot.ca.gov/caltrans-near-me/district12



November 2, 2023

SCH #: 2023100025
GTS #: 12-ORA-2023-02389
Route/PM: 5 9.38; 74 0.00

Mr. Paul Garcia
City of San Juan Capistrano
30448 Rancho Viejo Rd
San Juan Capistrano, CA 92675

Re: El Camino Specific Plan

Dear Mr. Garcia:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process of the Notice of Preparation for an Environmental Impact Report for the El Camino Specific Plan. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated, and efficient transportation system.

The Project consists of two proposed developments: 1) the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.15-acre vacant site; and 2) a performing arts center on a 1.5-acre site located at eastern portion of the City-owned Historic Town Center Park. The project is located in the City of San Juan Capistrano, near Interstate 5 (I-5) and State Route 74 (74). I-5 and SR 74 are owned and operated by Caltrans. Therefore, Caltrans is a commenting agency and has the following comments based on our review of the November 2023 NOP:

Transportation Planning:

1. The project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.
2. Provide bike and pedestrian detours during construction of the project. Further enhance bike and pedestrian connections with robust signage, wayfinding,

safety improvements, and human scale amenities wherever possible along the project site. Post signage alerting motorists to bicyclists.

3. Please encourage the use of bus and rail transit to employees and residents during construction and after the completion of the Project. San Juan Capistrano Metrolink station and OCTA Bus Routes 85 and 91 are adjacent to the project site. Bus and rail transit
4. Mixed-use development offers an opportunity to encourage multi-modal travel and a reduction in VMT. Short local car trips can potentially be replaced with walking and bicycling trips. Caltrans encourages the design of Complete Streets that include high-quality pedestrian and bicycle facilities that are safe and comfortable for users of all ages and abilities. Consider working with City of San Juan Capistrano to enhance bike and pedestrian infrastructure on Del Obispo, Camino Capistrano, and Forster Street. During construction, please ensure that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If adjacent sidewalks or bike lanes need to be closed during construction, please ensure that closures and detours are clearly signed. See OCTA's bikeways map for the regional landscape of complete streets; please consider working with the agency, as well as the City of San Juan Capistrano, to connect this project with this broader network <https://www.octa.net/pdf/ocbikewaysmap.pdf>

Traffic Operations:

5. Traffic Operations Southwest needs to review the Traffic Impact Study in order to determine the impact to I-5 ramps. This is including the trip generated by the project and the impact to the local streets and SR-74. Please provide us with the Traffic Impact Study when available.
6. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

Encroachment Permit

7. Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response

to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

8. Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.
9. Additional information regarding the encroachment permits may be obtained by contacting the Caltrans Permits Office at (657) 328-6553 or D12.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

Caltrans' mission is to provide a safe, sustainable, equitable, integrated, and efficient transportation system to enhance California's economy and livability. Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Jude Miranda at Jude.Miranda@dot.ca.gov.

Sincerely,



Scott Shelley
District Branch Chief
Regional-LDR-Climate Change-Transit Planning

Caltrans, District 12

12-ORA-2023-02389.El Camino Specific Plan.NOP

Final Audit Report

2023-11-02

Created:	2023-11-02
By:	Jude Miranda (s144639@dot.ca.gov)
Status:	Signed
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DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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November 2, 2023

File No.: 690.18109.15606

City of San Juan Capistrano
30448 Rancho Viejo Road
San Juan Capistrano, CA 92675

RE: SCH 2023100025

The California Highway Patrol, Capistrano Area received the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the El Camino Specific Plan Amendment, State Clearing House (SCH) number 2023100025. After review, we have some concerns with the traffic congestion that could result along Interstate 5 at State Route 74 (Ortega Highway)/Del Obispo Street.

Our concern relates to Interstate 5, which is identified in the NOP as providing “regional access” to the project site and is located “568 feet northwest,” at intersection with State Route 74/Del Obispo Street. Interstate 5 serves as the primary link connecting Orange County to San Diego and Los Angeles Counties, while State Route 74 serves as the primary link between south Orange County and several Riverside County commuter cities/communities. The project plans include a 95-unit apartment complex, several commercial businesses, and an event center with a total of 452-seats. Collectively, these facilities will increase traffic volumes in the immediate area, to include Interstate 5 at State Route 74/Del Obispo Street, and dependent on event times, create an additive effect on congestion during peak commute hours. Increased traffic congestion results in an increase in crashes and slower emergency response times. Efforts to mitigate the potential increase in congestion, crashes, and response times could include optimally timing events for off-peak periods and/or additional traffic control measures.

Should you have any questions regarding these concerns, please contact Lieutenant Noel Coady at (949) 670-7030.

Sincerely,

B. A. PALMER, Captain
Commander

Enclosure(s)

cc: Border Division





South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

November 2, 2023

pgarcia@SanJuanCapistrano.org

Paul Garcia, Principal Planner

City of San Juan Capistrano

30448 Rancho Viejo Road

San Juan Capistrano, CA 92675

Notice of Preparation of a Draft Environmental Impact Report for the El Camino Specific Plan (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses (electronic versions of all emission calculation spreadsheets, air quality modeling, and health risk assessment input and output files, not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated.

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at:

<http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at:

<http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁵ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁶.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁷ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,⁸ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,⁹ and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹⁰

⁵ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁶ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁷ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁸ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

⁹ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW
ORC231011-09
Control Number